

REMARKS

In the application claims 3 and 12 are canceled, claims 1,2, 4-6, 13-15, and 21-39 are withdrawn and claims 7-11, 16-20 and 40-49 are pending. In the present amendment new claims 48 and 49 are added, none of the other claims are amended.

In the office action the Examiner allows claims 40-44, rejects claims 7-11 and objects to claims 16-20. Claims 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,640,063 to Zumeris and claims 16-20 are objected to as being dependent on rejected claim 11. Applicants respectfully traverse the rejection of claims 7-11 and consequently the objection to claims 16-20.

The Examiner submits that Zumeris discloses "a discrete switch arrangement (16A-F) attached to at least one additional electrode of the ultrasonically vibrating element to which the oscillating voltage is not connected which switch arrangement selects the direction of the displacement". As shown in Fig. 7 of Zumeris and as discussed in the text (column 6 line 55 to column 7 line 44) the oscillating voltage in Zumeris is connected at one time or another via switch arrangement 16A-F to each of the electrodes to which the switch arrangement is connected. Claim 7 is therefore not anticipated by Zumeris and claims 8-11 are patentable at least through their dependence on claim 7.

New claims 48 and 49 express different aspects of the invention and are supported in various figures and numerous portions of the specification, e.g. Figs. 4, 5 and 9 and discussions thereof.

In addition, applicant respectfully points out that an Information Disclosure Statement was filed together with the application on April 24, 2001, and the 3-page PTO-1449 form was never returned to us initialed by the Examiner. Applicant is resubmitting the form and respectfully requests that the items listed thereon be initialed by the Examiner to ensure that they appear on the face of the patent issuing on the present application. Applicant assumes that the art has already been considered by the Examiner in accordance with MPEP 609.

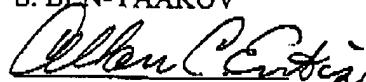
In view of the above, applicants submit that all the presently pending claims in the application are patentable. An action on the merits is respectfully awaited.

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Respectfully submitted,
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